

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

AVCO CORPORATION,

No. 4:12-CV-01313

Plaintiff-Counterclaim
Defendant,

(Chief Judge Brann)

v.

TURN AND BANK HOLDINGS,
LLC, AND PRECISION
AIRMOTIVE, LLC,

Defendants-Counterclaim
Plaintiffs,

v.

AVSTAR FUEL SYSTEMS, INC.

Counterclaim Defendant.

ORDER

OCTOBER 17, 2022

Upon consideration of the objections to portions of the deposition testimony that the parties seek to introduce at trial,¹ **IT IS HEREBY ORDERED** that:

1. As to Kevin Felts, objections are sustained to the following portions of the deposition: 11:13-12:13; 15:21-16:10; 30:15-17; 33:7-10; 36:14-25; 37:4-6; 37:17-23; and 41:6-43:13.

¹ This ruling applies only to testimony as proposed for the jury trial. To the extent that testimony was intended for the bench trial but was not specifically delineated as such, the following rulings do not apply to that testimony, and the parties may raise objections at the appropriate time during the bench trial.

2. As to David Czarenecki, objections are sustained to the following portions of the deposition: 45:1-47:22; 50:21-54:1; 122:11-19; and 133:14-134:9.
3. As to Donald Rivera,² objections are sustained to the following portions of the deposition: 5:5-22; 6:6-12; 6:18-7:9; 52:16-53:5; 55:14-21; 56:15-17; 57:7-22; 58:1-24; 59:12-25; 60:1-8; 61:11-25; 62:1-7; 72:23-74:9; 75:8-25; 78:1-7; 78:24-79:6; 88:1-4; 88:6-91:6; 93:23-94:1; 94:2-9; 94:10-21; 94:22-25; 96:16-23; 99:2-5; 99:16-101:3; 102:2-12; and 103:3-21.
4. As to David Peter Rose, objections are sustained to the following portions of the deposition: 53:13-24; 55:15-56:2; 57:20-58:12; 63:14-23; 79:10-16; 80:25; 82:11-25; 84:6-8; 85:12-14; 94:10-95:4; 100:12-102:5; 102:23-103:2; 105:13-106:3; 111:7-9; 111:17-112:10; 122:19-123:1; 129:24-130:19; 133:5-23; 136:8-137:2; 161:21-162:2; 162:12-163:4; and 164:9-166:2.

² Significant portions of Mr. Rivera's testimony to which objections are sustained involve background information regarding the development of servos for Avco/AVStar. Much of this information may be drawn from other witnesses, such as David Rose and, as such, is unnecessarily duplicative. Additionally, the Court expects the parties to reach a stipulation regarding the background of the formation of AVStar, development of its servos, and the relationship between Avco and AVStar so as to avoid unnecessarily wasting time presenting background information that is important for the jury to understand, but is not directly related to the question of willfulness.

5. As to Michael Everhart,³ objections are sustained to the following portions of the deposition: 25:10-13; 25:21-26:5; 26:6-9; 26:17-21; 27:6-23; 28:2-4; 28:18-24; 29:1-30:6; 84:8-85:11; 87:6-10; 92:11-93:8; 95:13-23; 95:25-96:21; 97:1-23; 101:14-102:7; 103:6-19; 110:19-112:4; 115:14-117:10; 120:7-121:9; 121:11-122:24; 124:25-127:5; 129:4-132:24; 144:10-145:4; 146:14-149:2; 150:13-151:6; 155:22-157:2; 158:9-161:19; 164:1-21; 170:14-172:21; 173:15-174:7; 175:17-177:16; 178:1-179:24; 180:17-181:15; 184:24-185:3; 235:23-236:13; 236:19-237:3; 239:19-242:10; 245:8-16; 246:20-247:15; 248:4-251:10; 252:3-262:1; 291:21-25; 323:2-19; 325:10-23; 326:1-328:1; 330:1-336:7; 337:25-338:8; 339:23-340:3; 340:21-25; 377:11-24; 397:19-401:14; 420:15-421:3; 424:24-426:13; 428:4-434:22; 436:16-437:17; 445:22-447:20; and 463:12-465:23.

6. As to Justin Hicks, objections are sustained to the following portions of the deposition: 26:19-25; 44:7-46:6; 47:1-21; 48:5-50:24; 53:19-23; 54:16-23; 55:8-25; 85:13-86:14; 93:8-94:21; 99:4-25; 115:15-117:13;

³ Significant portions of Mr. Everhart's testimony to which objections are sustained involve background information regarding the history of AVStar, Avco, and Precision, as well as their continuing relationships and purchases. Much of this information may be drawn from other witnesses, such David Rose and, as such, is unnecessarily duplicative. Additionally, the Court expects the parties to reach a stipulation regarding the background of the formation of AVStar, development of its servos, and the relationship between Avco and AVStar so as to avoid unnecessarily wasting time presenting background information that is important for the jury to understand, but is not directly related to the question of willfulness.

118:3-8; 118:24-119:4; 119:15-121:9; 121:21-123:17; 124:20-127:12; and 130:10-15.

7. As to Justin Pava, objections are sustained to the following portions of the deposition: 26:21-27:5; 27:9-17; 28:15-19; 29:10-30:10; 33:2-13; and 49:17-50:20.
8. As to Ron Weaver,⁴ objections are sustained to the following portions of the deposition:
 - A. September 30, 2016: 37:2-41:2; 42:13-14; 50:1-8; 50:22-51:9; 51:13-18; 52:3-53:9; 58:1-12; 72:20-75:19; 92:22-93:22; 96:15-20; 99:3-25; 114:17-115:9; 118:23-120:6; 121:10-122:10; 126:12-23; 134:9-14; 182:1-16; 182:17-183:2; 186:14-187:15; 190:16-192:14; 193:24-194:12; 224:4-11; 230:11-18; 232:9-16; 249:2-10; 251:5-10; 266:6-267:23; 268:21-269:14; and 275:24-286:9.
 - B. November 16, 2016: 366:22-367:24; 395:22-396:3; and 396:21-397:13.

⁴ Significant portions of Mr. Weaver's testimony to which objections are sustained involve background information regarding the formation of AVStar and Avco's role in that formation, as well as the history of Avco's purchases of AVStar products. Much of this information may be drawn from other witnesses, such as David Rose and, as such, is unnecessarily duplicative. Additionally, the Court expects the parties to reach a stipulation regarding the background of the formation of AVStar, development of its servos, and the relationship between Avco and AVStar so as to avoid unnecessarily wasting time presenting background information that is important for the jury to understand, but is not directly related to the question of willfulness.

- C. November 17, 2016: 67:2-68:12; and 75:2-79:21.
- D. February 18, 2020: 25:8-22; 38:24-39:11; 40:7-41:7; 50:23-51:16; 52:3-19; 67:18-21; 126:25-127:11; 129:25-130:11; 169:3-170:14; 172:1-4; and 185:4-25.

9. As to Dominique Youakim, objections are sustained to the following portions of the deposition: 50:8-52:11; 55:23-58:20; 63:9-64:8; 70:20-71:22; 87:11-89:15; 90:2-5; 96:5-97:13; 97:18-24; 98:1-14; 98:23-25; 102:14-103:23; 104:16-106:25; 108:1-9; 110:10-111:2; 112:24-114:2; 114:23-116:8; 120:7-121:12; 123:6-124:16; 133:24-137:15; 141:17-145:4; 146:10-14; 148:10-149:23; 152:18-155:10; and 174:12-176:21.

BY THE COURT:

s/ Matthew W. Brann
Matthew W. Brann
Chief United States District Judge